

Meeting Executive

Portfolio Area Resources, Transformation & ICT

Date 12 October 2022



REVISED COMPLAINTS POLICY AND NEW UNACCEPTABLE BEHAVIOUR POLICY

KEY DECISION

1 PURPOSE

- 1.1 This report presents the Council's Complaints Policy (Appendix A) and Unacceptable Behaviour Policy (Appendix B). The Complaints Policy is an update to previous policy incorporating changes required by the Housing Ombudsman and other iterative improvements. The Unacceptable Behaviour Policy sets out how the Council will respond to customers who are using threatening, abusive or unreasonably persistent behaviour.

2 RECOMMENDATIONS

- 2.1 It is recommended that the Executive:
- 2.2 Approve the Complaint Policy (Appendix A)
- 2.3 Approve the Unacceptable Behaviour Policy (Appendix B)
- 2.4 Acknowledge that future updates to Complaints Policy may be needed more frequently than in the past, to meet the requirements of two complaints ombudsman

3 BACKGROUND

- 3.1 As part of the Government's review and reform of the social housing sector the Housing Ombudsman was given remit over complaints within the Council's HRA housing services. The Local Government and Social Care Ombudsman (LGSCO) retains its remit for complaints about the Council's other services, including General Fund housing services such as Housing Options.
- 3.2 The Housing Ombudsman set out a new Complaint Handling Code (Background Document 1) in 2019 to promote the progressive use and consistent handling of complaints across the social housing sector. This contains more specific detail on how complaints should be handled compared to the guidance from the LGSCO.
- 3.3 There has been some indication that the LGSCO may adjust their guidance to more closely match the Code, but it is not yet clear when this will happen.
- 3.4 A self-assessment against the Code in 2020 identified that the Council's existing complaints policy needed to be changed in some key ways:
- To operate a 2-stage complaints process instead of a 3-stage complaints process; and
 - To use the Code's definition of a complaint.
- 3.5 In addition, the Code requires some changes to officer process for complaints handling such as: learning from complaints cases handled elsewhere in the sector as well as the Council's own, ensuring that customers are welcomed and assisted to make complaints, and undergoing regular self-assessment against the Code to ensure compliance
- 3.6 Over the same period as the proposals for the Code have come forward, the quantity of complaints to the Council has risen, partly due to the impacts of the Covid pandemic.
- 3.7 The volume of complaints increased by 54% in the first six months of 2022 compared to the first six months of 2019. Whilst many services have been able to maintain a high level of service in responding to complaints, some have struggled with the volume and this has been reflected in the corporate performance measures.
- 3.8 Action plans are in place to improve complaints handling performance, and these were considered in the September Executive performance item (Background Document 2).
- 3.9 To enable a renewed focus on complaints handling several iterative improvements to the existing policy were identified, in particular:
- Clarifying cases that may be raised as complaints but should instead be handled through other mechanisms; and
 - Setting a clearer time limit by which complaints should be raised.
- 3.10 It was also identified that establishing an alternative less formal route for handling enquiries from Members would assist officers in focussing on handling complaints within the required service standards.

- 3.11 Whilst reviewing complaints handling standards elsewhere in the sector it was identified that many other councils and housing associations also publish unacceptable behaviour policies alongside their complaints policies. These typically set out how the organisation will respond if a customer's demands or persistence become unreasonable. Although this can occur with any service, in the context of complaints it is recognised that some customers can repeatedly raise the same issue through different channels or to different councillors, even though they've exhausted the complaints process.

4 REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

- 4.1 The updated Complaints Policy incorporates the requirements of the Housing Ombudsman's Complaint Handling Code while at the same time fulfilling the guidance of the LGSCO. This means that the Council can continue to have a single complaints policy and approach across the whole organisation.
- 4.2 For customers the new policy will help to ensure that complaints are positively received, effectively investigated, and used to improve services. The policy is written to be engaging and useable by members of the public, and sets out the Council's commitment to make reasonable adjustments where they're needed to ensure any customer can use our complaints service.
- 4.3 It is proposed that the new policy is applied from the start of November 2022. The new policy will be supported through the adoption of a new digital complaints system. The new system will make it easier for customers to log and monitor progress of their complaints as well as for officers to record and track investigations.
- 4.4 An outline of the complaints process is provided in Appendix C. The changes will be supported by training for officers with key complaints roles on the new policy and system, and also for councillors through the Modern Member programme.
- 4.5 Members will continue to forward complaints they receive to the complaints team, where they will be logged, assigned, and a customer acknowledgement sent. By standard the complaint response will go to the customer and copied to the councillor unless an alternative is requested for the case. A new form for member queries will be provided so they can go directly to the appropriate service and be responded to informally outside of the complaints process.
- 4.6 The Complaints Policy will be graphically produced upon approval to assist with making it engaging for customers.
- 4.7 The Unacceptable Behaviour Policy will assist officers in responding to customers who have unreasonable persistence or demands when using the complaints service, or other Council services.
- 4.8 Unreasonable persistence or demands can also arise within public commentary such as social media. Officers will work with the portfolio holders for Communications and Customer Services to find appropriate ways to apply the Unacceptable Behaviour Policy in these contexts.

- 4.9 The officer procedures for using the Unacceptable Behaviour Policy are being developed and are expected to mirror the existing process for reporting violent incidents. This will mean the investigation and consideration of any mitigations will be considered jointly by Health & Safety and Community Safety, together with Staff Protection Register if required.

5 IMPLICATIONS

Financial Implications

- 5.1 No identified implications

Legal Implications

- 5.2 It is important for the Council to have a clear complaints process in place and ensure that it reflects codes such as the Housing Ombudsman's Complaint Handling Code. Please also note that once the new complaints procedure goes live, all new complaints will be dealt with using the new process, however all existing complaints will continue to be dealt with under the old complaints process until conclusion or the complainant opting to use the new process.
- 5.3 The Unacceptable Behaviour Policy will provide a process for officers to consider and follow, and enable swift action should such unacceptable behaviour lead to the need for legal action

Risk Implications

- 5.4 If the Council does not adjust its complaints policy to meet the requirements of the Housing Ombudsman's Complaint Handling Code then there would be reputational and financial risks in regards to compliance and potential enforcement action by the Housing Ombudsman, including being reported to the Regulator of Social Housing.

Human Resources Implications

- 5.5 The proposed Complaints Policy sets out that HR or an independent manager may investigate complaints about staff behaviour, instead of the service manager. This change brings the process closer into line with the approach to investigating when a member of staff raises a concern about another member of staff.
- 5.6 Training for officers will help support new and existing colleagues to effectively carry out complaints investigations, and assist with consistent approach across the organisation.
- 5.7 The proposed Unacceptable Behaviour Policy assists in the protection of staff.

Equalities and Diversity Implications

- 5.8 The Complaints Policy sets out that the Council will make reasonable adjustments to enable customers to use the complaints service. The addition of digital self-service will assist some customers in accessing our complaints

service, while alternative access through Customer Services over the phone or in person will continue.

- 5.9 The Equalities Impact Assessment is provided in Appendix D

Community Safety Implications

- 5.10 Including unreasonable demands and unreasonable persistence within the definition of the Unacceptable Behaviour Policy clarifies the circumstances under which the Council as an organisation can take action to protect staff.

Information Technology Implications

- 5.11 The new digital complaints system is already in development and is undergoing testing in preparation for the new complaints policy
- 5.12 The existing complaints system will continue to operate until all complaints are closed. Any records will then be electronically archived in line with records retention policy.

BACKGROUND DOCUMENTS

- BD1 Housing Ombudsman – Complaint Handling Code

<https://www.housing-ombudsman.org.uk/landlords-info/complaint-handling-code/>

- BD2 Executive 14th September 2022, Corporate Performance – Quarter 1 2022/23

<https://democracy.stevenage.gov.uk/documents/s32542/Corp%20Perf%20report%20-%20Q1%20Performance%202022-23.pdf>

APPENDICES

- A Complaints Policy
- B Unacceptable Behaviour Policy
- C Outline of complaints process
- D Equality Impact Assessment